

# MEMORANDUM

Agenda Item No. 7(E)

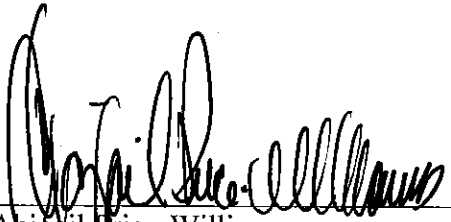
**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** (Second Reading 10-5-16)  
July 19, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance pertaining to adult entertainment and minors; creating section 21-50.1 of the Code; prohibiting adult entertainment clubs from allowing minors on the premises at any time; providing for revocation of certificate of use; providing for applicability in the unincorporated and incorporated areas of the County; providing for municipal and concurrent County enforcement; amending section 8CC-10; providing for civil penalties

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsors Commissioner Jose "Pepe" Diaz, Senator Javier D. Souto and Commissioner Juan C. Zapata.



Abigail Price-Williams  
County Attorney

APW/cp

# Memorandum



**Date:** October 5, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

**Subject:** Fiscal Impact Statement for Ordinance Pertaining to Adult Entertainment and Minors

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The proposed ordinance pertaining to adult entertainment and minors amends Section 8CC-10, providing for civil penalties and creates Section 21-50.1 of the Code of Miami-Dade County, prohibiting adult entertainment clubs from allowing minors on the premises at any time and provides for revocation of certificate of use, for applicability in the unincorporated and incorporated areas of the County and for municipal and concurrent County enforcement.

Implementation of this ordinance will not have a fiscal impact to the County as the Miami-Dade Police Department currently enforces this section of Code.

A handwritten signature in black ink, appearing to read "Russell Berford", written over a horizontal line.  

Russell Berford  
Deputy Mayor

FIS08416 161661

# Memorandum



**Date:** October 5, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, likely belonging to Carlos A. Gimenez.

**Subject:** Social Equity Statement - Creation of Section 21-50.1 of the County Code and Amending  
Section 8CC-10 Providing for Civil Penalties

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The proposed ordinance creates Section 21-50.1 of the Code to prohibit any adult entertainment club, adult entertainment club owner, adult entertainment club operator, or the owner of the real property upon which the adult entertainment club operates shall not allow, authorize or permit any minor on the premises at any time with a possibility of certificate revocation in cases of violations.

The changes to the Code are meant to deter minors from entering adult entertainment establishments. The proposed ordinance is not anticipated to have a specific social equity benefit or burden as described in Ordinance No. 15-83.

A handwritten signature in black ink, likely belonging to Russell Benford.

Russell Benford  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** October 5, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 7(E)

Please note any items checked.

- ☒ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(E)  
10-5-16

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO ADULT ENTERTAINMENT AND MINORS; CREATING SECTION 21-50.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING ADULT ENTERTAINMENT CLUBS FROM ALLOWING MINORS ON THE PREMISES AT ANY TIME; PROVIDING FOR REVOCATION OF CERTIFICATE OF USE; PROVIDING FOR APPLICABILITY IN THE UNINCORPORATED AND INCORPORATED AREAS OF THE COUNTY; PROVIDING FOR MUNICIPAL AND CONCURRENT COUNTY ENFORCEMENT; AMENDING SECTION 8CC-10; PROVIDING FOR CIVIL PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, Section 33-259.1 of the County Code currently provides that adult entertainment uses, including adult entertainment clubs, shall be permitted in the unincorporated area only in districts zoned Industrial -- Light (IU-1), subject to certain distance and spacing requirements; and

**WHEREAS**, pursuant to Chapter 847, Florida Statutes, minors may not be admitted to any establishment where adult entertainment is occurring; and

**WHEREAS**, however, neither Florida law nor the County Code expressly prohibits minors from entering such establishments at times when adult entertainment is not occurring; and

**WHEREAS**, the operation of adult entertainment clubs has historically and regularly been accompanied by secondary effects that are detrimental to the public health, safety, morals, and general welfare of the residents of the County and the municipalities within the County; and

**WHEREAS**, such secondary effects include significant criminal activity, prostitution, narcotics and liquor law violations, breaches of the peace, assaults, employment or involvement of minors, human trafficking, sexual conduct between customers or between customers and performers, the opportunity for spread of sexually transmitted diseases, and presence in the industry of people with hidden ownership interests and outstanding warrants; and

**WHEREAS**, an adult entertainment club is no place for minors, whether or not adult entertainment is occurring there at a particular time; and

**WHEREAS**, accordingly, there is a compelling need to regulate on a Countywide basis adult entertainment clubs as provided in this ordinance to protect and promote the public health, safety, morals, and general welfare of the residents of the County and within the municipalities in the County by prohibiting minors from the premises of such clubs at all times,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 21-50.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:<sup>1</sup>

**>>Sec. 21-50.1      Allowing minors at an adult entertainment club prohibited.**

(a) Definition. For purposes of this section, “adult entertainment club” shall mean any business that features live entertainment requiring the exclusion of minors under 18 years of age, pursuant to Chapter 847, Florida Statutes, as may be amended from time to time.

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (b) Prohibition and penalty. Regardless of any other uses that may be permitted at the location, any adult entertainment club, adult entertainment club owner, adult entertainment club operator, or the owner of the real property upon which the adult entertainment club operates shall not allow, authorize, or permit any minor under 18 years of age on the premises at any time. In addition to all applicable penalties, violators will be subject to revocation of any certificate of use (C.U.) for an adult entertainment club.
- (c) Countywide applicability and enforcement. This section shall be applicable in all the unincorporated and incorporated areas of Miami-Dade County with the enforcement of the provisions of this section being the responsibility of the County in the unincorporated area and the responsibility of the municipalities in the incorporated areas. The County shall also have concurrent jurisdiction to enforce the requirements of this section within municipalities.<<

**Section 2.** Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 8CC-10. Schedule of civil penalties.**

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	Description of Violation	Civil Penalty
* * *		
21-48	Sale and installation of satellite dish antennas to residential customers	500.00
>>21-50.1	<u>Allowing a minor under 18 years of age on the premises of an adult entertainment club at any time</u>	<u>500.00</u> <<
21-81(d)	Any one of the specific misdemeanors enumerated in section 21-81(d)	100.00
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**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** It is the intention of this Board, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.



**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:

James Eddie Kirtley

Prime Sponsor: Commissioner Barbara J. Jordan  
Co-Sponsors: Commissioner Jose "Pepe" Diaz  
Senator Javier D. Souto  
Commissioner Juan C. Zapata